

**194A.707      Licensure -- Administrative regulations -- Accreditation by other organizations -- Fees -- Compliance.**

- (1) The Cabinet for Health and Family Services shall establish by the promulgation of administrative regulation under KRS Chapter 13A, an initial and relicensure review process for assisted living communities. This administrative regulation shall establish procedures related to applying for, reviewing, and approving, denying, or revoking licensure, as well as the conduct of hearings upon appeals as governed by KRS Chapter 216B.
- (2) Notwithstanding the timeframe in KRS 216.530, an on-site visit of an assisted living community shall be conducted by the cabinet:
  - (a) As part of the initial licensure review process;
  - (b) Twenty-four (24) months following the date of the previous licensure review, if during the previous licensure review an assisted living community was not found to have violated an administrative regulation set forth by the cabinet that presented imminent danger to a resident that created substantial risk of death or serious mental or physical harm; and
  - (c) Twelve (12) months following the date of the previous licensure review, if during the previous licensure review an assisted living community was found to have violated an administrative regulation set forth by the cabinet that presented imminent danger to a resident that created substantial risk of death or serious mental or physical harm.
- (3) No business shall market its service as an assisted living community unless it has:
  - (a) Filed a current application for the business to be licensed by the cabinet as an assisted living community; or
  - (b) Received licensure by the cabinet as an assisted living community.
- (4) No business that has been denied or had its license revoked shall operate or market its service as an assisted living community unless it has:
  - (a) Filed a current application for the business to be licensed by the cabinet as an assisted living community; and
  - (b) Received licensure as an assisted living community from the cabinet. Revocation of licensure may be grounds for the cabinet to not reissue a license for that property for seven (7) years if ownership remains substantially the same.
- (5) No business shall operate as an assisted living community unless its owner or manager has:
  - (a) Filed a current application for the business to be licensed as an assisted living community by the cabinet; and
  - (b) Received licensure as an assisted living community from the cabinet.
- (6) By September 1 of each year, each assisted living community licensed pursuant to this chapter may provide residents with educational information or education opportunities on influenza disease.
- (7) The cabinet shall determine the feasibility of recognizing accreditation by other

organizations in lieu of licensure review by the cabinet.

- (8) Individuals designated by the cabinet to conduct licensure reviews shall have the skills, training, experience, and ongoing education, including understanding that assisted living is not subject to the rules and regulations of the Centers for Medicare and Medicaid Services, to perform assisted living community and assisted living community with dementia care licensure reviews.
- (9) The cabinet may promulgate administrative regulations to establish an assisted living community and assisted living community with dementia care licensure fee that shall not exceed costs of the program to the cabinet, to be assessed upon receipt of an application for licensure. The cabinet shall provide a breakdown of fees assessed and costs incurred for conducting licensure reviews upon request of any interested person.
- (10) The cabinet shall make findings from the most recent licensure review available to the public.
- (11) Notwithstanding any provision of law to the contrary, the cabinet may request additional relevant information from an assisted living community or conduct additional on-site visits to ensure compliance with the provisions of KRS 194A.700 to 194A.729 if the cabinet has reasonable cause to believe that the assisted living community is not in compliance.
- (12) Failure to follow an assisted living community's policies, practices, and procedures shall not result in a finding of noncompliance unless the assisted living community is out of compliance with a related requirement under KRS 194A.700 to 194A.729.

**Effective:** July 14, 2022

**History:** Amended 2022 Ky. Acts ch. 20, sec. 4, effective July 14, 2022. -- Amended 2018 Ky. Acts ch. 136, sec. 2, effective July 1, 2019. -- Amended 2017 Ky. Acts ch. 80, sec. 30, effective June 29, 2017. -- Amended 2016 Ky. Acts ch. 103, sec. 20, effective July 15, 2016. -- Amended 2010 Ky. Acts ch. 36, sec. 4, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 24, sec. 9, effective June 26, 2007. -- Amended 2005 Ky. Acts ch. 99, sec. 163, effective June 20, 2005. -- Created 2000 Ky. Acts ch. 141, sec. 4, effective July 14, 2000.

**Legislative Research Commission Note** (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.